

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Ella Mintz	Team: Squad #12	CCRB Case #: 201904252	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 05/11/2019 8:00 PM	Location of Incident: In front of § 87(2)(b)	Precinct: 75	18 Mo. SOL 11/11/2020	EO SOL 6/28/2021	
Date/Time CV Reported Sun, 05/12/2019 4:05 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 05/16/2019 10:58 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Bryan Scheblein	26121	955457	075 PCT
2. POM Renaldo Weekes	21007	959362	075 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Bryan Scheblein	Abuse: Police Officer Bryan Scheblein questioned § 87(2)(b)	§ 87(2)(b)
B.POM Renaldo Weekes	Abuse: Police Officer Renaldo Weekes questioned § 87(2)(b)	§ 87(2)(b)
C.POM Renaldo Weekes	Abuse: Police Officer Renaldo Weekes failed to provide § 87(2)(b) with a business card.	§ 87(2)(b)
D.POM Bryan Scheblein	Abuse: Police Officer Bryan Scheblein failed to provide § 87(2)(b) with a business card.	§ 87(2)(b)
E.POM Bryan Scheblein	Abuse: Police Officer Bryan Scheblein refused to provide his name to § 87(2)(b)	§ 87(2)(b)
§ 87(2)(g), § 87(4-b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
	§ 87(2)(b)	§ 87(2)(b)

Case Summary

On May 12, 2019, § 87(2)(b) filed this complaint over the phone with IAB. The CCRB received the case on May 16, 2019 under log #19-18791.

On May 11, 2019, at approximately 8:00PM, § 87(2)(b) was locking his door at his residence at § 87(2)(b) in Brooklyn when he encountered Police Officers Bryan Scheblein and Reynaldo Weekes, both of the 75th Precinct. PO Scheblein and PO Weekes questioned § 87(2)(b) (Allegation A-Abuse of Authority: § 87(2)(g) Allegation B- Abuse of Authority: § 87(2)(g) PO Scheblein and PO Weekes failed to provide § 87(2)(b) with business cards (Allegations C and D- Abuse of Authority: § 87(2)(g) PO Scheblein failed to provide § 87(2)(b) with his name (Allegation E- Abuse of Authority: § 87(2)(g) § 87(2)(g), § 87(4-b)

The investigation obtained BWC footage from PO Weekes (Board Reviews 01, 02, summary located in Board Review 03). Multiple requests for BWC footage from PO Scheblein were returned with negative results.

Findings and Recommendations

Allegation A- Abuse of Authority: Police Officer Bryan Scheblein questioned § 87(2)(b)

Allegation B- Abuse of Authority: Police Officer Reynaldo Weekes questioned § 87(2)(b)

In his CCRB statement, § 87(2)(b) stated that on May 11, 2019, at approximately 8:00PM, he was on the front porch of his residence at § 87(2)(b) in Brooklyn, locking his door, when he observed an unmarked car drive past him (Board Review 04). PO Scheblein, who was situated in the driver's seat, made "intense" eye contact with § 87(2)(b). The car abruptly stopped approximately 25 feet in front of § 87(2)(b)'s house. § 87(2)(b) stepped backwards on his porch so his back was against his front door and he was no longer in eyesight of the car. § 87(2)(b) stated that he stepped out of the car's line of vision because he wanted to "fuck with" the officer. § 87(2)(b) was hoping that the officers were not planning on stopping him because he did not do anything wrong, but he was wary of them due to his prior experiences with officers. As soon as § 87(2)(b) stepped out of sight, PO Scheblein reversed his car and hit a car that was parked in front of his next-door neighbor's house, causing damage to the front bumper.

§ 87(2)(b) further testified that after the accident, PO Scheblein stepped out of the car and stood on the sidewalk directly in front of § 87(2)(b)'s house. PO Scheblein asked § 87(2)(b) to take his hands out of his pockets. § 87(2)(b) refused to do this until PO Scheblein asked him to do so a third time. PO Scheblein asked § 87(2)(b) "What are you doing here? You look suspicious." PO Weekes then came over to where PO Scheblein was standing and asked, "What are you doing here?" Both officers asked § 87(2)(b) "Do you live here? What are you doing here?" § 87(2)(b) refused to answer the questions as he did not think he was doing anything wrong.

PO Weekes' BWC footage does not capture the initial encounter between § 87(2)(b) and the officers but § 87(2)(b) and PO Scheblein do discuss the start of their encounter. At 20:08:10 in PO Weekes' BWC footage, § 87(2)(b) says that it's "bullshit" that PO Scheblein stopped him and

called him “suspicious” without having “reasonable doubt” (Board Review 01, summary located in Board Review 02). PO Scheblein tells § 87(2)(b) “I explained the reason why I thought you were acting suspicious. I talked to you. I didn’t run up on you.” The interaction referenced by PO Scheblein is not captured on BWC.

In his CCRB interview, PO Scheblein stated that he was driving in an unmarked vehicle when he observed § 87(2)(b) mid-step on the stoop of § 87(2)(b) (Board Review 05). Upon observing the vehicle, § 87(2)(b) quickly went back up the stoop. PO Scheblein believed it was suspicious that § 87(2)(b) moved quickly because it did not start raining and there was not a loud bang. § 87(2)(b) grabbed on something on his person but PO Scheblein could not recall what where on his person § 87(2)(b) grabbed or what he was grabbing. § 87(2)(b) then went back up the stairs. In PO Scheblein’s mind, it was “weird” that § 87(2)(b) grabbed at something on his person after walking down the stairs and spotting the unmarked car. PO Scheblein found this “suspicious” because a normal person would check their person for their keys or other important belongings prior to leaving the front steps but § 87(2)(b) went down the front steps, spotted the unmarked car, and then quickly went back up the steps, where he proceeded to check his pockets. PO Scheblein backed up the car in order to speak with § 87(2)(b) PO Scheblein wanted to see if § 87(2)(b) was going anywhere, and “if he was doing anything a normal citizen would be doing.” While backing up, PO Scheblein accidentally hit a parked vehicle. When asked if he asked § 87(2)(b) to take his hands out of his pocket, PO Scheblein said, “More than likely, yes.” PBA Representative Louis Albert told PO Scheblein “Not ‘more than likely.’ What do you remember? Don’t speculate.” PO Scheblein then said, “I don’t remember.” PO Scheblein did not suspect § 87(2)(b) of being armed or of possessing a weapon. PO Scheblein did not remember telling § 87(2)(b) “You look suspicious. What are you doing here?” PO Scheblein did not remember telling § 87(2)(b) that he looked “suspicious” in any context. PO Scheblein did not remember asking § 87(2)(b) any questions. PO Scheblein noted that once § 87(2)(b) began speaking with the officers, his initial desire to speak to § 87(2)(b) quickly dissipated because of § 87(2)(b)’s attitude.

A motor vehicle accident report prepared in regards to this incident notes that the actions of the police vehicle prior to the accident were “pursuing violator” and noted that the vehicle was operated during an “emergency operation” (Board Review 06). When asked about the report during his CCRB interview, PO Scheblein stated that the boxes are “predetermined” and that he did not manually enter “police pursuit” into the reason for the accident but because there are limited options in the drop-down menu, that was the closest fit; PO Scheblein was also directed to the section of the report where it stated that the accident occurred while PO Scheblein was “pursuing violator.” The undersigned asked PO Scheblein what § 87(2)(b) violated. PO Scheblein explained that this was the closest option to the truth; PO Scheblein believed that § 87(2)(b) was “acting in a suspicious manner.”

On February 5, 2020, the undersigned spoke with IAB/CCRB Liaison Detective Andre Crandon, who stated that he did not have access to the drop-down options for accident reports.

PO Weekes stated in his CCRB interview that did not observe § 87(2)(b) prior to the motor vehicle accident and did not recall if he asked § 87(2)(b) “Where are you going?” or “Do you live here?” (Board Review 07) PO Weekes did not recall if PO Scheblein asked § 87(2)(b) any questions. PO Weekes did not recall if § 87(2)(b)’s hands were in his pockets and did not recall if

he, or PO Scheblein, ever asked § 87(2)(b) to take his hands out of his pockets. If he did ask that, it would have been a protective measure and not indicative as to if § 87(2)(b) was stopped. PO Scheblein never informed PO Weekes of the reason that he suddenly reversed his car in the middle of the street.

PO Weekes was also presented with the accident report prepared in regards to this incident.” PO Weekes noted that he did not believe that this constituted a police pursuit because sirens and lights were not engaged and “there was not police pursuit.” The report also notes that it was an “emergency operation”; PO Weekes stated this was not an emergency.

Patrol Guide Procedure 212-11 states that a level one investigative encounter is an encounter between a civilian and a uniformed member of the service conducted for the purpose of requesting information from the civilian (Board Review 08). The uniformed member of the service must have an objective credible reason to approach the civilian. A police officer may seek information related to the reason the civilian was approached, such as the person’s name, address and destination, if those questions are related to the objective credible reason for the approach. In order for a member of service to ask a civilian pointed or accusatory questions under a level two investigative encounter, they must have founded suspicion that criminal activity is afoot. During a level two encounter, the civilian is free to refuse to answer questions and is free to leave.

An individual’s desire to avoid contact with police- even in a high-crime neighborhood- does not constitute an objective credible reason for making a level one inquiry. People v. Johnson 109 A.D.3d 449 (Board Review 09).

Founded suspicion of criminal activity is required for an officer to compel a civilian to remove their hands from their pockets. If there is no particular reason to believe that a suspect is armed, an officer’s direction to an individual to remove their hands from their pocket cannot be justified as a necessary precautionary measure. People v. Giles 23 Misc. 3d 1106 (Board Review 10).

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

§ 87(2)(g)

Allegation C- Abuse of Authority: Police Officer Reynaldo Weekes failed to provide § 87(2)(b) with a business card.

Allegation D- Abuse of Authority: Police Officer Bryan Scheblein failed to provide § 87(2)(b) with a business card.

§ 87(2)(b) stated that while PO Scheblein and PO Weekes were walking back to their vehicle, he said, "Matter of fact, let me get your names. Let me get your cards." PO Scheblein said, "No, I'm not giving you anything." § 87(2)(b) said, "Oh, you're supposed to. You're a public servant." PO Scheblein said, "I'm not giving you anything." § 87(2)(b) said, "Ok." PO Weekes then told § 87(2)(b) "Oh, you want my name? Let me turn my body camera on." PO Weekes reached for his camera and gave § 87(2)(b) his name and his shield number. § 87(2)(b) told PO Scheblein that he needed to be more like PO Weekes. § 87(2)(b) did not receive any business cards as a result of this incident. When filing the complaint with IAB, § 87(2)(b) provided PO Weekes' name and shield number but did not provide any identifying information for PO Scheblein (Board Review 09).

PO Weekes' BWC footage captures the entirety of this portion of the conversation (Board Review 02, summary located in Board Review 03). At 20:13:47 in the recording, § 87(2)(b) asks the officers, "You guys got, um, cards?" PO Weekes says, "Hold on." PO Scheblein says, "You weren't stopped, do you understand that?" § 87(2)(b) says, "I understand that but you crashed my neighbor's car." PO Weekes says, "That has nothing to do with this." § 87(2)(b) speaks to PO Scheblein, "You stopped me, being a dickhead." PO Scheblein says, "I did not stop you! You were never stopped." PO Scheblein and § 87(2)(b) argue. At 20:15:27, PO Weekes asks § 87(2)(b) if he would like his information. § 87(2)(b) responded in the affirmative. PO Weekes provides his name, the spelling of his name, and his shield number. PO Weekes says, "I don't have my business cards at the time because I ran out."

At 20:16:04 in the recording, § 87(2)(b) turns to PO Scheblein and says, "Is it okay if I get your information?" PO Scheblein says, "You understand that technically, you only get information when a stop is completed." § 87(2)(b) says, "Thank you." PO Scheblein says, "But it's Scheblein and the shield number is 261-" § 87(2)(b) says, "If you're not comfortable giving it, you don't have to." PO Scheblein responds, "Did I say anything about me being comfortable? I'm very comfortable right now." § 87(2)(b) says, "If you wasn't uncomfortable, you wouldn't have made the speech." PO Scheblein says, "Annoyed, perhaps." § 87(2)(b) repeats, "If you wasn't uncomfortable, you wouldn't have made the speech but I appreciate it any way. You said what?" PO Scheblein asks, "Do you always have to be right? Cause you would have been listening to when I said my name if you cared so much but you're trying to prove a point." § 87(2)(b) said, "Thank you. I don't want it no more." PO Scheblein says, "Scheblein. 26121. 75 Precinct." § 87(2)(b)

§ 87(2)(b) interrupts PO Scheblein while he is providing the information and tells him, "I don't want it no more."

§ 87(2)(g) PO Weekes stated that the reason he did not provide § 87(2)(b) with a business card was because he did not have them at the time.

PO Scheblein was interviewed prior to the receipt of the BWC footage. An initial request for BWC footage resulted in negative results (Board Review 09). In his CCRB interview on September 19, 2019, PO Scheblein stated that he did take BWC footage of this incident. That same day, an additional BWC request was submitted and the undersigned received BWC footage taken by PO Weekes on November 12, 2019 but did not receive any footage taken by PO Scheblein.

In his CCRB interview, PO Scheblein stated that he did not recall if § 87(2)(b) asked for his business card but that he did not provide one. PO Scheblein noted that this was not a situation in which he would be required to give a business card because the interaction began with § 87(2)(b) coming up to the officers to talk with them about the accident; § 87(2)(b) was not a victim of crime and he was never stopped. § 87(2)(b) was free to leave at any point during this interaction. PO Scheblein did not recall if § 87(2)(b) ever asked for his name but stated that he would never refuse to provide his name upon request.

According to NYC Administrative Code 14-174, an officer shall offer a business card to any person requesting identifying information, or provide such information verbally to such person and allow such person sufficient time to record such information when such officer does not have an adequate number of pre-printed business cards or hand-written cards on his or her person at the time of such law enforcement activity (Board Review 11).

Patrol Guide Procedure 203-09 states that members of service are to provide business cards, as appropriate, at the request of members of the public (Board Review 12).

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)

Allegation E-Abuse of Authority: Police Officer Bryan Scheblein refused to provide his name to § 87(2)(b)

As mentioned in the discussion of Allegations C and D, § 87(2)(b) alleged that PO Scheblein refused to provide his name to him.

The BWC footage shows that PO Scheblein provided his name to § 87(2)(b) twice.

§ 87(2)(g)

§ 87(2)(g), § 87(4-b)

Civilian and Officer CCRB Histories

- This is the second complaint in which § 87(2)(b) has been a party. § 87(2)(b) has

filed two additional complaints.

- § 87(2)(b) [REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
- Police Officer Bryan Scheblein has been a member of services for six years and has been a subject in ten CCRB complaints and 22 allegations, of which two have been substantiated.
 - 201610413 involved substantiated allegations of two frisks against PO Scheblein; the Board recommended Command Discipline A and the NYPD imposed Formalized Training.
 - § 87(2)(g) [REDACTED]
[REDACTED].
- Police Officer Reynaldo Weekes has been a member of service for four years and has been a subject in four closed CCRB complaints and six allegations, of which one has been substantiated.
 - 201808991 involves a substantiated allegation of a failure to provide a business card against PO Weekes. The Board recommended Command Level Instructions and the NYPD has yet to impose discipline.
 - § 87(2)(g) [REDACTED]
[REDACTED].

Mediation, Criminal, and Civil Histories

- § 87(2)(b) [REDACTED] declined to mediate this complaint.
- As of January 14, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim filed in connection with this incident (Board Review 12).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]
[REDACTED]

Squad No.: _____

Investigator: _____

Signature	Print Title & Name	Date
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Squad Leader: _____

Signature	Print Title & Name	Date
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Reviewer: _____

Signature	Print Title & Name	Date
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